

Message Text

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ACTION DLOS-05

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TO SECSTATE WASHDC 1824

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UNCLAS SECTION 1 OF 2 GENEVA 2298

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TAGS: PLOS

SUBJECT: LOS: COMMITTEE II WORKING GROUP ON BASELINES

FROM USDEL LOS

FOLLOWOING IS CONSOLIDATED TEXT PREPARED IN COMMITTEE II BY SMALL
WORKING GOURP ON BASELINES. BEGIN TEXT:

PROVISION 4, ANTE

THE OUTER LIMIT OF THE TERRITORIAL SEA IS THE LINE EVERY POINT
OF WHICH IS AT A DISTANCE FROM THE NEAREST POINT OF THE BASE-
LINE EQUAL TO THE BREADTH OF THE TERRITORIAL SEA.

PROVISION 4

EXCEPT WHERE OTHERWISE PROVIDED IN THESE ARTICLES, THE NORMAL
BASELINE FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA IS
THE LOW-WATER LINE ALONG THE COAST AS MARKED ON LARGE-SCALE
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CHARTS OFFICIALLY RECOGNIZED BY THE COASTAL STATE.

PROVISION 4 BIS

IN THE CASE OF ATOLLS OR OF ISLANDS HAVING FRINGING REEFS, THE BASELINE FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA SHALL BE THE SEAWARD EDGE OF THE REEF, AS SHOWN BY THE APPROPRIATE SYMBOL ON OFFICIAL CHARTS.

PROVISION 5

OPTION A

1. IN LOCALITIES WHERE THE COASTLINE IS DEEPLY INDENTED AND CUT INTO, OR IF THERE IS A FRINGE OF ISLANDS ALONG THE COAST IN ITS IMMEDIATE VICINITY, THE METHOD OF STRAIGHT BASELINES JOINING APPROPRIATE POINTS MAY BE EMPLOYED IN DRAWING THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED. WHERE BECAUSE OF THE PRESENCE OF A DELTA OR OTHER NATURAL CONDITIONS THE COASTLINE IS HIGHLY UNSTABLE, THE APPROPRIATE POINTS MAY BE SELECTED ALONG THE FURTHEST SEAWARD EXTENT OF THE LOW-WATER LINE AND, NOTWITHSTANDING SUBSEQUENT REGRESSION OF THE LOW-WATER LINE, SUCH BASELINES SHALL REMAIN EFFECTIVE UNTIL CHANGED BY THE COASTAL STATE IN ACCORDANCE WITH THIS CONVENTION.

2. A COASTAL STATE MAY EMPLOY THE METHOD OF MIXED BASELINES, I.E., DRAWING THE BASELINE IN TURN BY THE METHODS PROVIDED FOR IN ARTICLE ... AND THIS ARTICLE TO SUIT DIFFERENT CONDITIONS.

OPTION B

IN LOCALITIES WHERE THE COASTLINE IS DEEPLY INDENTED AND CUT INTO OR IF THERE IS A FRINGE OF ISLANDS ALONG THE COAST IN ITS IMMEDIATE VICINITY OR IF THE WATER ADJACENT TO THE COAST IS MARKED BY CONTINUAL PROCESS OF ALLUVION AND SEDIMENTATION CREATING A HIGHLY UNSTABLE LOW WATER LINE THE METHOD OF STRAIGHT BASELINES JOINING APPROPRIATE POINTS ON THE COASTS OR ON THE COASTAL WATERS MAY BE EMPLOYED IN DRAWING THE BASELINE

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FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED.

PROVISION 6

THE DRAWING OF SUCH BASELINES MUST NOT DEPART TO ANY APPRECIABLE EXTENT FOR THE GENERAL DIRECTION OF THE COAST, AND THE SEA AREAS LYING WITHIN THE LINES MUST

BE SUFFICIENTLY CLOSELY LINKED TO THE LAND DOMAIN TO
BE SUBJECT TO THE REGIME OF INTERNAL WATERS.

PROVISION 7

STRAIGHT BASELINES SHALL NOT BE DRAWN TO AND FROM LOW-
TIDE ELEVATIONS, UNLESS LIGHTHOUSES OR SIMILAR INSTAL-
LATIONS WHICH ARE PERMANENTLY ABOVE SEA LEVEL HAVE
BEEN BUILT ON THEM OR EXCEPT IN INSTANCES WHERE THE
DRAWING OF BASELINES TO AND FROM SUCH ELEVATIONS HAS
RECEIVED GENERAL INTERNATIONAL RECOGNITION.

PRIVISON 8

WHERE THE METHOD OF STRAIGHT BASELINES IS APPLICABLE
UNDER THE PROVISIONS OF () ACCOUNT MAY BE TAKEN,
IN DETERMINING PARTICULAR BASELINES, OF ECONOMIC IN-
TERESTS PECULIAR TO THE REGION CONCERNED, THE RALITY
AND THE IMPORTANCE OF WHICH ARE CLEARLY EVIDENCED BY
A LONG USAGE.

PROVISION 9

THIS PROVISION HAS BEEN INCLUDED UNDER PROVISION 5.

PRIVISION 10

THE SYSTEM OF STRAIGHT BASELINES MAY NOT BE APPLIED
BY A STATE IN SUCH A MANNER AS TO CUT OFF FROM THE HIGH
SEAS THE TERRITORIAL SEA OF ANOTHER STATE.

PROVISION 11

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THE COASTAL STATE MUST CLEARLY INDICATE STRAIGHT BASE-
LINES ON CHARTS, SUPPLEMENTED BY A LIST OF GEOGRAPHICAL
COORDIANATES OF POINTS, DEPOSITED WITH THE SECRETARY
GENERAL OF THE UNITED NATIONS WHO SHALL GIVE DUE
PUBLICITY THEREON

PROVISION 12'

1. WATERS ON THE LANDWARD SIDE OF THE BASELINE OF
THE TERRITORIAL SEA FORM PART OF THE INTERNAL WATERS
OF THE STATE.

2. WHERE THE ESTABLISHMENT OF A STRAIGHT BASELINE IN
ACCORDANCE WITH () HAS THE EFFECT OF ENCLOSING AS
INTERNAL WATERS AREAS WHICH PREVIOUSLY HAD BEEN CON-

SIDERED AS PART OF THE TERRITORIAL SEA OR OF THE HIGH SEAS, A RIGHT OF INNOCENT PASSAGE, AS PROVIDED IN () SHALL EXIST IN THOSE WATERS. (FOOTNOTE THIS PROVISION IS WITHOUT PREJUDICE TO ITEM 16 OR OTHER RELATED ITEMS).

PROVISION 13

IF A RIVER FLOWS DIRECTLY INTO THE SEA, THE BASELINE SHALL BE A STRAIGHT LINE ACROSS THE MOUTH OF THE RIVER BETWEEN POINTS ON THE LOW-TIDE LINE OF ITS BANKS. THE COASTAL STATE MUST CLEARLY INDICATE THESE BASELINES ON LARGE-SCALE CHARTS DEPOSITED WITH THE SECRETARY GENERAL OF THE UNITED NATIONS, WHO SHALL GIVE DUE PUBLICITY THERETO.

PROVISION 14

1. THIS () RELATES ONLY TO BAYS THE COASTS OF WHICH BELONG TO A SINGLE STATE.

2. FOR THE PURPOSES OF THESE () A BAY IS A WELL-MARKED INDENTATION WHOSE PENETRATION IS IN SUCH PROPORTION TO THE WIDTH OF ITS MOUTH AS TO CONTAIN LAND-LOCKED WATERS AND CONSTITUTE MORE THAN A MERE CURVATURE OF THE COAST. AN INDENTATION SHALL NOT, HOWEVER, BE REGARDED AS A BAY UNLESS ITS AREA IS AS LARGE AS, UNCLASSIFIED

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OR LARGER THAN, THAT OF THE SEMI-CIRCLE WHOSE DIAMETER IS A LINE DRAWN ACROSS THE MOUTH OF THAT INDENTATION.

3. FOR THE PURPOSE OF MEASUREMENT, THE AREA OF AN INDENTATION IS THAT LYING BETWEEN THE LOW-WATER MARK AROUND THE SHORE OF THE INDENTATION AND A LINE JOINING THE LOW-WATER MARK OF ITS NATURAL ENTRANCE POINTS. WHERE, BECAUSE OF THE PRESENCE OF ISLANDS, AN INDENTATION HAS MORE THAN ONE MOUTH, THE SEMI-CIRCLE

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SHALL BE DRAWN ON A LINE AS LONG AS THE SUM TOTAL OF
THE LENGTHS OF THE LINES ACROSS THE DIFFERENT MOUTHS.
ISLANDS WITHIN TAN INDENTATION SHALL BE INCLUDED AS
IF THEY WERE PART OF THE WATER AREA OF THE INDENTATION.

PROVISION 15

IF THE DISTANCE BETWEEN THE LOW-WATER MARKS OF THE
NATURAL ENTRANCE POINTS OF A BAY DOES NOT EXCEED
TWENTY-FOUR MILES A CLOSING LINE MAY BE DRAWN BETWEEN
THESE TWO LOW-WATER MARKS, AND THE WATERS ENCLOSED
THEREBY SHALL BE CONSIDERED AS INTERNAL WATERS.

PROVISION 16

WHERE THE DISTANCE BETWEEN THE LOW-WATER MARKS OF THE
NATURAL ENTRANCE POINTS OF A BAY EXCEEDS TWENTY-FOUR
MILES A STRAIGHT BASELINE OF TWENTY-FOUR MILES SHALL
BE DRAWN WITHIN THE BAY IN SUCH A MANNER AS TO ENCLOSE
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THE MAXIMUM AREA OF WATER THAT IS POSSIBLE WITH A LINE
OF THAT LENGTH.

PROVISION 17

THE FOREGOING BEGIN BRACKET PROVISIONS 14 TO 16 END
BRACKET SHALL NOT APPLY TO SO-CALLED "HISTORIC" BAYS,

OR IN ANY CASE WHERE THE STRAIGHT BASELINE SYSTEM
PROVIDED FOR IN () IS APPLIED.

PROVISION 18

FOR THE PURPOSE OF DELIMITING THE TERRITORIAL SEA, THE
OUTERMOST PERMANENT HARBOUR WORKS WHICH FORM AN INTEGRAL
PART OF THE HARBOUR SYSTEM SHALL BE REGARDED AS FORMING
PART OF THE COAST. OFFSHORE INSTALLATIONS AND ARTIFI-
CIAL ISLANDS SHALL NOT BE CONSIDERED AS PERMANENT
HARBOUR WORKS.

PROVISION 19

ROADSTEADS WHICH ARE NORMALLY USED FOR THE LOADING,
UNLOADING, AND ANCHORING OF SHIPS, AND WHICH WOULD
OTHERWISE BE SITUATED WHOLLY OR PARTLY OUTSIDE THE
OUTER LIMIT OF THE TERRITORIAL SEA, ARE INCLUDED IN
THE TERRITORIAL SEA. THE COASTAL STATE MUST CLEARLY
DEMARCATÉ SUCH ROADSTEADS AND INDICATE THEM ON CHARTS
TOGETHER WITH THEIR BOUNDARIES, TO WHICH DUE PUBLICITY
MUST BE GIVEN.

PROVISION 20

1. AT LOW-TIDE ELEVATION IS A NATURALLY FORMED AREA OF
LAND WHICH IS SURROUNDED BY AND ABOVE WATER AT LOW-
TIDE BUT SUBMERGED AT HIGH TIDE. WHERE A LOW-TIDE
ELEVATION IS SITUATED WHOLLY OR PARTLY AT A DISTANCE
NOT EXCEEDING THE BREADTH OF THE TERRITORIAL SEA FROM
THE MAINLAND OR AN ISLAND, THE LOW-WATER LINE ON THAT
ELEVATION MAY BE USED AS THE BASELINE FOR MEASURING
THE BREADTH OF THE TERRITORIAL SEA.

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2. WHERE A LOW-TIDE ELEVATION IS WHOLLY SITUATED AT
A DISTANCE EXCEEDING THE BREADTH OF THE TERRITORIAL
SEA FROM THE MAINLAND OR AN ISLAND, IT HAS NO TERRITORIAL
SEA OF ITS OWN. END TEXT. DALE

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